
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DANIEL R. CHAIDES,

Plaintiff,

v.

B. STRONG et al.,

Defendants.

**MEMORANDUM DECISION
& ORDER DENYING MOTION
TO ALTER OR AMEND JUDGMENT**

Case No. 2:17-CV-1033 JNP

District Judge Jill N. Parrish

On August 16, 2019, concluding Plaintiff had been prejudicially unresponsive in his litigation, the court dismissed his case. (Doc. No. 39.) On August 29, 2019, Plaintiff submitted a letter asking that his case be reopened, which the Court construes as a motion to alter or amend the judgment. (Doc. No. 40.) Plaintiff asserted logistical difficulties in appropriately responding to the court's orders and promised to submit a change of address after a move to a halfway house (planned for September 17, 2019). (*Id.*) Plaintiff still did not even try to respond to Defendants' summary-judgment motion, (Doc. No. 32). And, Plaintiff has not since corresponded with the Court, including to submit his change of address.

A motion under Federal Rule of Civil Procedure 59(e)

may be granted only if the moving party can establish: (1) an intervening change in the controlling law; (2) the availability of new evidence that could not have been obtained previously through the exercise of due diligence; or (3) the need to correct clear error or prevent manifest injustice. *Servants of the Paraclete v. Does*, 2014 F.3d 1005, 1012 (10th Cir. 2000). A motion under Rule 59(e) is not to be used to rehash arguments that have been addressed or to present supporting facts that could have been presented in earlier filings. *Id.* Reconsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly. *See Templet v.*

HydroChem, Inc., 367 F.3d 473, 479 (5th Cir. 2004); *Allender v. Raytheon Aircraft Co.*, 439 F.3d 1236, 1242 (10th Cir. 2006); *Zucker v. City of Farmington Hills*, 643 F. App'x 555, 562 (6th Cir. 2016) (relief under R. 59(e) is rare).

Blake v. Jpay, No. 18-3146-SAC, 2019 U.S. Dist. LEXIS 150310, at *4-5 (D. Kan. Sept. 4, 2019).

Plaintiff has not shown any of these three grounds for relief exist here. He only cites logistical difficulties. Nor has he followed up with a change of address, which shows a continued failure to prosecute—which prompted the dismissal order to begin with. Plaintiff thus does not meet the exacting standard for relief under Rule 59(e); the Court's August 16, 2019 Order and Judgment stand.

ORDER

IT IS ORDERED that Plaintiff's post-judgment motion is **DENIED**. (Doc. No. 40.)

This action remains closed.

DATED January 2, 2020.

BY THE COURT:



JUDGE JILL N. PARRISH
United States District Court